



PATENT
Attorney Docket No.: 53470.003042

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 09/883,508 Confirmation No.: 8696
Applicant : Jeffrey A. Bedell et al.
Filed : June 19, 2001
Title : System and method for managing objects between projects
TC/Art Unit : 2126
Examiner: : L. Zhen

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Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

Pursuant to the Pre-Appeal Brief Conference Pilot Program announced in the Official Gazette, Applicants hereby request a pre-appeal brief conference in the above-referenced case.

This application is appropriate for a pre-appeal brief conference. A brief history of this application and why applicants believe that an appeal will succeed are set forth below.

This application was filed over four years ago on June 19, 2001. Applicants' initial claims were rejected. In an effort to streamline prosecution, applicants amended claims 1-9 claims to clarify distinctions, while leaving the remaining claims (10-18) in their original form.

A final rejection has now been entered, including new rejections attacking the amended claims on section 112, paragraph one. The remaining rejections were maintained.

Each of the current rejections are flawed. First, the rejection under 112, paragraph one alleges that the specification fails to support amending the claims to recite computer-

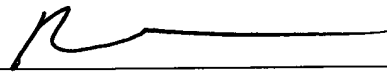
implemented/automated steps of “determining using a computer processor an appropriate manner of executing the selected function on the selected object” and “automatically causing the execution of the selected function on the selected object in the appropriate manner.” The Office Action alleges that the user must perform these steps. To the contrary, the specification clearly states that the user performs these steps in a typical configuration, but that “the system application may include specific routines to make the determination in particular situations.” See Application, page 19 at lines 10-11. This statement applies to both of the above-listed steps. Clearly, an appeal of this factual question will be resolved in applicant’s favor.

Similarly, the first art-based rejection relies on product materials from the assignee of the present invention’s predecessor product, MicroStrategy 6.0. The features of the above-referenced patent application were introduced in MicroStrategy 7.x. Applicants are certainly in the best position to understand its own products and stated in the previous response that the MicroStrategy 6.0 material does not disclose all of the steps of the recited claims. Apparently, the Office Action failed to give weight to the automated steps introduced by the amendment, which again, is improper.

As for the rejections based on Mariani also fail to give weight to the automated nature of the present claims. This rejection thus will be overturned on appeal.

Thus, an appeal on that basis will certainly succeed, but the time and expense in preparing an appeal brief on that issue should not be borne by MicroStrategy when the grounds is so clearly improper.

Respectfully submitted,



Brian M. Buroker
Registration No. 39,125

Hunton & Williams LLP
1900 K Street, NW
Washington, D.C. 20006-1109
(202) 955-1500

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